
Appeal Decision

Site visit made on 14 September 2021

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021.

Appeal Ref: APP/E5330/Y/20/3250544

1 The Paragon (rear communal garden) at Fullthorp Road, Blackheath SE3 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Paragon Preservation Ltd (Mr Robin Miller) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 20/0540/F, dated 9 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is described as 'Damaged (1950's built) wall at rear of House 1, The Paragon to be demolished and rebuilt with insertion of suitable period style gate for access to rear garden.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The London Plan 2021 has been published since the decision was issued and now forms part of the development plan. Its policies supersede those of the London Plan 2016 cited in the decision notice. Nevertheless, the broad thrust of the 2021 policies referred to in this decision are consistent with the policies cited in the Council's decision notice, on which the appellant had the opportunity to comment.
3. In addition to the text quoted in the heading above, the description of development on the application form refers to a right of way and the granting of consent to the removal of a tree. While these matters are not acts of development, I have taken them into account.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character and appearance of The Paragon Grade I listed building and the Blackheath Conservation Area.

Reasons

5. The wall in question encloses a communal garden to the rear of The Paragon, an impressive crescent of Georgian villas. Although the wall is some distance from the building itself, there is a clear visual as well as functional relationship between the wall, the adjoining garden and the main building. The wall is also an integral part of the Fullthorpe Road street scene and, by virtue of its
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continuity, form and appearance, visually links The Paragon with the nearby neo-Georgian style flats. As such, it contributes positively to the character and appearance of the Conservation Area (CA).

6. The appeal proposal would create a 3.8m wide gated opening in the wall together with a fairly extensive vehicle parking and turning area immediately behind. The appellant has suggested that the design of the gate could be the subject of future agreement. In the absence of a firm proposal, I am not convinced that a sliding gate of the width proposed could be designed to be sympathetic to the highly distinctive Georgian character of The Paragon. In any event, the creation of such a wide opening would disrupt the continuity of the wall and introduce a new access at a point in the wall which is unrelated to the original layout or function of the listed building and its grounds.
7. The appeal submissions refer to gravel or concrete tile surfacing of the parking and turning area. In either case, and notwithstanding that the area currently comprises informal planting and a compost area, the surfacing would represent a significant visual intrusion into the garden. It would also introduce vehicular movement and increase the exposure of the currently tranquil area to street activity. The appellant argues that the surfacing would be reversible. However, it is not proposed to limit the duration of the planning permission being sought and no re-instatement proposals have been put forward.
8. The appellant argues that a new access is required in order to maintain the communal gardens. However, the appeal submissions provide little information on any investigation of other options to provide access to the gardens, any assessment of options for the siting of the opening having regard to the historic and architectural significance of the listed building or whether a more modest scale and form of access could be created. Nor is there substantive evidence to demonstrate that the opening needs to be wide enough to provide fire and ambulance access. Without this information I can give limited weight to the claimed public benefit of the proposal.
9. For the avoidance of doubt, I have taken into account the removal of the Black Poplar tree which was causing damage to the wall. While that damage may require repairs to be undertaken, there is no firm evidence to suggest that such works would require a new opening to be created.
10. The appellant has also referred to an existing gate serving the nearby Morden Road garages. However, there appears to be no record of planning permission being granted for this gate. Moreover, its siting does have some relationship with the adjoining group of buildings. As such, it does not provide a robust justification for the appeal proposal.
11. Consequently, the proposal would not preserve or enhance the character and appearance of the listed building or the CA. Sections 66(1) and 72(1) of the Town and County Planning (Listed Buildings and Conservation Area) Act 1990 require special regard to be paid to the desirability of preserving listed buildings and the character and appearance of CAs. The proposal would also conflict with Policies DH1, DH3, DH(h) and DH(i) of the Royal Greenwich Local Plan, Core Strategy with Detailed Policies (2014). Together, these policies require development to be of high design quality that responds positively to its architectural and historic context and protects and enhances listed buildings and CAs.

12. The proposal would also be contrary to Policies D3 and HC1 of the London Plan 2021. These policies require development to respond to local character by identifying its special and valued features and characteristics, respect and enhance the features that contribute towards that character and to conserve the significance of heritage assets.
13. Nor would the proposal accord with National Planning Policy Framework (the Framework) paragraph 197 which requires the desirability of sustaining and enhancing the significance of heritage assets to be taken into account. Although the harm to the heritage asset would be less than substantial, I am required to give great weight and importance to any harm to a designated heritage asset. In terms of the test at Framework paragraph 202, I have found that limited weight can be given to the claimed public benefit of the proposal. The benefit would not be sufficient to outweigh the identified harm to the heritage assets.

Other Matters

14. The appellant questions the experience of the officer who wrote the delegated report and the Council's procedures for reviewing it. It is also suggested that the Council could have asked for further information in support of the proposal. However, my decision is based on the planning merits of the proposal having regard to the appeal submissions.

Conclusion

15. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR